

DETAILED ACTION

Terminal Disclaimer

The terminal disclaimer filed on 4/28/2011 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of 10/815,356 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Information Disclosure Statement

The references cited 5/16/2011 have been considered, and will be listed on any patent resulting from this application since they were provided on a separate list in the Information Disclosure Statement (IDS) Form PTO/SB/08 in compliance with 37 CFR 1.98(a)(1).

Response to Amendment

The present communication responds to the Amendment of 12/21/2009. By this communication, claims 25, 30 and 34 were amended and claim 37 was canceled. The amendments did not add new matter. Claims 25-36 and 38-40 are pending.

Response to Arguments

Applicant's arguments, see pages 2-3, filed 4/28/2011, with respect to claims 25-36 and 38-40 have been fully considered and are persuasive. The rejections of claims 25-36 and 38-40 have been withdrawn.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the specification, paragraph [0001] has been replaced with the following paragraph [0001]:

[0001] This present application is a continuation in part of U.S. Patent Application Serial Number 60/456,386, filed on October 15, 2003, entitled: Improved Trocar Seal.

In the specification, paragraph [0002] has been replaced with the following paragraph [0002]:

[0002] This application is related to the following copending and commonly assigned patent applications: application Serial No. 60/506,729; entitled: Multi- Angled Duckbill Seal Assembly, filed on September 30, 2003. Application Serial No. 60/506,730, entitled: Reinforced Seal Assembly; filed on September 30, 2003; application Serial No. 60/506,783; entitled: Improved Trocar Housing/Stopcock Assembly, filed on September 30, 2003; application Serial No. 60/506,786; entitled: Rotational Latching System for Trocar, filed on September 30, 2003; application Serial No. 60/506,782 ; entitled: Woven Protector for Trocar Seal Assembly, filed on

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September 30, 2003; application Serial No. 60/506,725; entitled: Trocar Assembly Tip Protector, filed on September 30, 2003; application Serial No. 60/506,785; entitled: Low-Profile, Recessed Stopcock Valve for Trocar Assembly, filed on September 30, 2003; application Serial No. 60/506,737; entitled: Instrument Lock Assembly for Trocar, filed on September 30, 2003; all of which are hereby incorporated herein by reference.

In the specification, paragraph [0025], line 15, after “reference”

Delete --Attorney Docket # END 5179, —

Insert -- application Serial No. 60/506,782 ;

In the specification, paragraph [0033], line 15, after “reference Serial No.”

Delete — --/---,--- [Attorney Docket # END 5168], —

Insert -- 60/506,730;

The following changes to the drawings have been approved by the examiner and agreed upon by applicant: Figure 6 must be submitted. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

Allowable Subject Matter

Claims 25-36 and 38-40 are allowed.

The following is an examiner’s statement of reasons for allowance: The subject matter of the independent claims could either not be found or was not suggested in the

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prior art of record. With regards to claim 25, 30, and 34 the prior art does not disclose or render obvious "a zero closure seal" in combination with the other limitations of the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL J. ANDERSON whose telephone number is (571)272-2764. The examiner can normally be reached on M-F 6:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin C. Sirmons can be reached on (571) 272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael J Anderson/
Examiner
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MJA
11/17/2011

/(Jackie) Tan-Uyen T. Ho/
Supervisory Patent Examiner, Art Unit 3763